

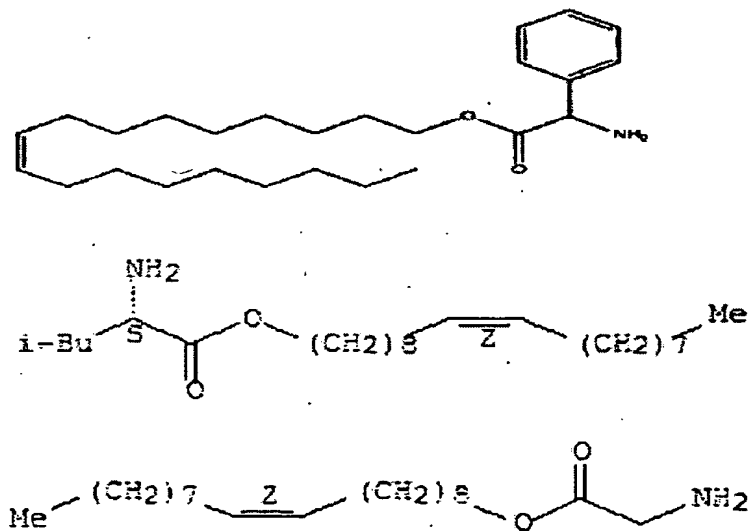
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REMARKS

Claims 49-72 and 135-212 are pending in the subject application. In a March 18, 2009 Office Action, the Examiner withdrew claims 49-72, 135-164, 169-180 and 186-212 as allegedly drawn to non-elected subject matter. Applicants have hereinabove amended claims 165, 166 and 168, and cancelled claim 167. Applicants maintain that no issue of new matter is raised by these amendments. Accordingly, applicants request that the Examiner enter this Amendment. Upon entry of the Amendment, claims 165, 166, 168 and 181-185 insofar as they read on the elected species will be pending and under examination in the subject application.

Election/Restrictions

In the May 25, 2010 Final Office Action, the Examiner indicated that the following three compounds, of which the first is the elected species, are regarded as making a contribution over the prior art of record. Therefore, in accordance with MPEP 803.02, the search of the Markush-type claim has been extended.



● HCl

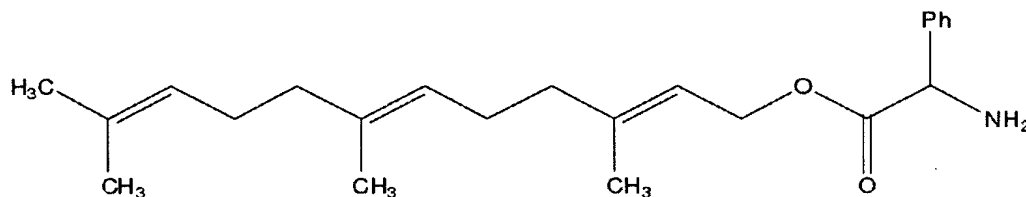
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The Examiner further indicated that one of the non-elected species searched is disclosed in the prior art and therefore not allowable. As a non-elected species has been found not allowable, the Markush-type claims have been rejected and claims to the nonelected invention are held withdrawn from further consideration.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 165-166 and 183-185 under 35 U.S.C. §102 as allegedly anticipated by Wild et al. [Wild, Hanno. Chain elongation of carbohydrates via the C-phenylglycine method. *Liebigs Annalen der Chemie*. (9), (1986), 1548-67.].

According to the examiner, Wild et al. teaches the following compound and composition comprising same, which anticipates the instant claims:



This compound allegedly corresponds to a compound of formula (I) R₁-O-CO-A, wherein R₁ is C₁₅ alkenyl, A is -CHR₂-NR₃-R₄R₅, R₂ is an unsubstituted phenyl, R₃ is a pair of electrons, and R₄ and R₅ are both H.

Applicants' Response

In response, without conceding the correctness of the Examiner's rejection, applicants have amended claims 165 and 166 to restrict the alkenyl chain defined for R₁ to C₁₆-C₁₈ alkenyl. These amendments exclude the compound of Wild et al. from the scope presently claimed.

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In view of the amendment to claims 165, 166 and 168 and the preceding remarks, applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 165-166 and 183-185 under 35 U.S.C. §102.

Claim Objections

The Examiner objected to claims 167-168 and 181-182 for depending on a rejected base claim, and indicated that they are not necessarily allowable if rewritten in independent form.

Applicants' Response

In response, applicants respectfully submit that the aforementioned amendments place the pending claims in condition for allowance and therefore obviate said objection.